

REMARKS

Claims 27 and 29-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by Song et al. (U.S. 6,710,837). Applicant respectfully traverses this rejection because the cited reference does not disclose (or suggest) an assembly for the second orientation control element that extends in a parallel direction relative to an extending direction of an edge of a pixel electrode, as in claim 27 of the present invention.

Song discloses, in Fig. 8B, an aperture pattern 270 on one substrate, and a second branch protrusion 171 on another substrate. A majority of the branch protrusion 171 extends in a parallel direction to the aperture pattern 270, which pattern 270 is shown to extend in a direction that is not parallel to the edge direction 222 of the pixel electrode 200. Although the Examiner is partly correct that a *portion* of the second branch protrusion 171 extends in the edge direction 222, only this unitary portion (not separately numbered) can be said to extend in the edge direction, and not the entire branch protrusion 171 itself. Therefore, even if the Examiner were correct that the branch protrusion 171 somehow constituted “an assembly” (which Applicant does not concede), the branch protrusion 171 still could not read upon the second orientation control element of the present invention.

In contrast, the second orientation control element of the present invention is specifically recited to be an assembly, and that this entire assembly extends in a parallel direction to the edge of the pixel electrode. The Examiner has not even identified an assembly of shapes in Song that extend in the same parallel direction of the pixel edge. The

Examiner has identified only a single shape that extends in such a parallel direction, but no assembly. For at least these reasons, the Section 102 rejection of claim 27 (as well as its dependent claims) based on Song should be withdrawn.

Nevertheless, and although Applicant does not believe that such should be necessary to overcome the outstanding rejection, in the interests of expediting prosecution, claim 27 has been amended to clarify that the “assembly of shapes” is more clearly defined by “an assembly of plural orientation control elements.” This grammatical clarification of the claim language only serves to emphasize the points discussed above, namely, that Song only shows a single protrusion 171, and by no means an assembly of plural elements. Applicants respectfully point the Examiner’s attention to Fig. 19 of the present Application, which the Examiner has already determined to uniquely represent the claims of the present Divisional Application in the Election/Restriction Requirement in the parent Application to this case. Accordingly, the Examiner is required to interpret the present claim language according to the illustrated embodiments identified as separate inventions in the parent case. The rejection based on Song is therefore even further inappropriate when claim 27 is read in light of Fig. 19 of the present Application, for example. Instead, the Examiner appears to now be interpreting the present claims to encompass embodiments he already identified to be separate inventions. For even these further reasons therefore, the rejection based on Song should be withdrawn.

Claims 27 and 28 are also rejected under 35 U.S.C. 102(e) as being anticipated by the same Song reference. Applicant does not understand why the Examiner has repeated the same rejection over the same prior art for the same claim (27), therefore Applicant will direct all further comments to only the additional rejection of claim 28. Specifically, the Examiner now cites to Fig. 5 of Song specifically, instead of Fig. 8B. Fig. 5, however, is even less representative of the specific claim language of the present invention.

Fig. 5 of Song even more greatly fails to teach or suggest the claimed features of the present invention. In this second rejection based on Song, the Examiner identifies the protrusion 170 as being analogous to the second orientation control element of the present invention, but provides no rationale for how the cross-sectional view shown in Fig. 5 could possibly demonstrate how the protrusion 170 could either be an “assembly” or extend in a direction parallel to an edge of the pixel electrode 200. Fig 5 of Song shows neither feature. In fact, the protrusions 170 could not be appropriately interpreted to be “an assembly” because the two protrusions 170 shown in Fig. 5 are entirely separated by the color filter 120, which is not taught by Song to be part of an orientation control element. Accordingly, Fig. 5 fails to teach an assembly for the orientation control electrode and, more particularly, fails to show an assembly of plural orientation control elements together serving as a second of such elements. This repeated rejection based on Song should therefore also be withdrawn.

Additionally, it is important to note that Fig. 5 of Song, as cited by the Examiner, even specifically teaches away from claim 28 of the present invention, and

therefore cannot serve as prior art against the present invention. Claim 28 of the present invention specifically recites that the first and second orientation control elements are located on the same substrate. Fig. 5 of Song, on the other hand, specifically shows that the aperture pattern 270 and the protrusions 170 are entirely formed on *different* respective substrates. For at least these further reasons therefore, the second rejection based on the same Song reference should be withdrawn.

For all of the foregoing reasons, Applicant submits that this Application, including claims 27-31, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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